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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 330th MEETING

Held at Headquarters, New York
on Tuesday, 28 January 1996, at 3 p.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION.

Third and fourth periodic reports of Canada (continued)
(CEDAW/C/CAN/3 and CEDAW/C/CAN/4)

1. At the invitation of the invitation of the Chairperson, Ms. Bergeron de Villiers (Canada) took a place at the Committee table.

2. Ms. AOUIJ said that it was commendable that the Canadian Government had harmonized its policies and programmes, taking into account its national priorities and international requirements, had established a symbiosis between the Federal Plan for gender equality, the Beijing Platform for Action, and the norms of the Convention and had taken important measures, especially to increase the economic autonomy of women and their equality at the social level. Social readjustments were essential to any economic development policy since vulnerable groups, especially women, were most likely to be afflicted by poverty. Canada's social development policy was humane and just; there was no exclusion or marginalization, and human rights were respected.

3. The equality of the sexes was a principle of the Canadian Charter of Rights and Freedoms; the equality of women must be guaranteed in the law, and in access to the law. Jurisprudence was very important as a source of law, and as an engine of social progress. Judges needed to be trained in questions of equality and international law; women must be represented in the courts and in decision-making posts. Legal assistance, especially in sectors in which women were directly involved, was important to women in achieving their right to equality; she asked what legislation was in force in Canada with regard to such assistance.

4. Although steps had been taken by the Government of Canada and by non-governmental organizations to publicize and eradicate violence against women, there was no legislation which explicitly prohibited and penalized such violence; she asked what the socio-economic reasons were for the silence of the law in that respect.

5. She requested further information on the wage parity legislation in Quebec.

6. Ms. ABAKA said that, through the Canadian International Development Agency, Canada had shown a commitment to addressing the equality and empowerment of women in developing countries, especially in the area of education.

7. The increase in teenage pregnancy rates in Canada was disturbing, particularly since over 80 per cent of the girls concerned were single mothers. For adolescent mothers from low-income families, teenage pregnancy and parenthood often led to long-term poverty and dependence, and had a strong correlation with low levels of educational achievement. The increasing proportion of late abortions performed on teenage girls gave cause for concern, because of the high rate of medical complications. She asked what was being done to equip young people to make healthy decisions about sexuality, what action was being taken by the provinces and territories to implement the 1994

guidelines on reproductive and sexual health, and whether non-governmental organizations like Planned Parenthood were being encouraged to work with schools to institute reproductive and sexual health programmes.

8. The move towards privatization of health care services in Canada could cause problems for women, as providers and consumers of health care, since privatization often led to a lack of accessibility or inferior services for vulnerable groups, including women, the elderly and minority groups; she asked what policies and measures were envisaged to combat the problems that were likely to arise.

9. Ms. CARTWRIGHT asked whether the Canadian Charter of Rights and Freedoms covered the full range of human rights, civil, political, economic, social and cultural, and how influential it was in the courts, compared with the Convention.

10. On the question of women in the judiciary, she was concerned that there were only two female judges in the supreme court. The Government of Canada might not be doing enough to bring about a higher proportion of women in the judiciary, especially at the supreme court level.

11. Ms. BUSTELO GARCÍA DEL REAL said that the information provided in connection with article 6 of the Convention showed that the Government of Canada must do more to investigate the situation of women who were victims of prostitution, violence against prostitutes, and traffic in women. In view of the high percentage of unsolved homicides, the Government of Canada must devote more efforts and resources to research on prostitution.

12. Information was needed on the results of the study on the inclusion in national accounting of unpaid women's work, in accordance with the Beijing Platform for Action. She asked whether the gap in pay for men and women was still being narrowed.

13. She asked whether the RU-486 pill was being used in Canada for induced abortions.

14. In its official development assistance, the Government of Canada was using the Beijing Platform for Action as a basis for the objectives to be achieved; she asked whether it was also encouraging recipient countries to implement or ratify the Convention, which had even greater force and importance than the Platform for Action.

15. Ms. OUEDRAOGO said that more specific information was needed about women prisoners in Canada, many of whom were aboriginal or refugee women, with regard to the types of crimes they had committed and their socio-economic rehabilitation. She was concerned about the abolition of the social assistance system; some social groups would always need assistance, especially minority and disadvantaged groups; she asked whether the system was being replaced by any type of socio-economic rehabilitation programmes, and what was being done for vulnerable groups such as the poor and the handicapped. The rising divorce rate was alarming because of the disintegration of families and the problems that ensued. Developing countries were concerned about that trend in developed countries, because of the implications for their own future.

16. Ms. SATO said that the fourth periodic report described the enactment by the Government of Ontario of the Employment Equity Act 1994; however, a Canadian non-governmental organization had reported that the Employment Equity Act had been repealed in 1995 and the commission established to oversee the implementation of the legislation had been abolished; she asked why the Act had been repealed, and why the commission had been abolished.

17. Ms. GONZÁLES-MARTÍNEZ said that it was unfortunate that the fourth periodic report had been received at the last minute; moreover, its structure did not facilitate a rapid analysis of the degree of implementation of the articles of the Convention.

18. The third periodic report did not provide information on whether a specific law had been promulgated to penalize violence against women. The information on Ontario in the fourth periodic report referred to various measures which had been taken to combat family violence, and in the oral replies there had been reference to various activities which had been undertaken in that respect; it had been indicated that, under the affirmative action policy in the Northwest Territories, qualified women aspiring to non-traditional or management positions in the public service were given preference after aboriginal people; she asked why applicants could declare their eligibility under only one category. She also asked why the legislation differed in different provinces and territories of Canada.

19. Ms. TALLAWY said it was commendable that Canada had granted asylum to some women on grounds of gender discrimination; that was a breakthrough in the international legal sphere. She noted that Canada's official development assistance included an increased number of projects for women in third world countries.

20. It was disturbing that poverty existed in Canada, a developed country; it was hard to understand why social assistance plans and programmes were being repealed. She also asked why legal aid was provided to women in criminal cases, but not in civil and family law matters.

21. Ms. BARE said that Canada had done much to assist women in developing countries, especially in the fields of education and training.

22. With regard to the Federal Plan for Gender Equality presented at the Fourth World Conference on Women, she asked what time-frame had been set, and what resources had been provided, for its implementation, and whether implementing agencies would be allowed to establish their own time-frames.

23. Ms. LIN Shangzhen commended the Government for its exhaustive and satisfactory replies to the Committee's questions, and noted that Canada also supported gender equality through its overseas development programmes; its Women in Development programme was one of the priority fields in her country, China.

24. With regard to aboriginal women's access to education and employment, she would be grateful for additional information on their fields of employment, levels of responsibility and participation in political and public life. The Government should indicate whether the federal and provincial governments had

introduced any special measures to integrate aboriginal women into the mainstream of Canadian society.

25. Ms. SCHÖPP-SCHILLING, recalling the delegation's statement that the Government valued the opinions of non-governmental organizations, suggested that it should follow the example set by the Government of Denmark in including the views of such organizations in an appendix to its report. Such a practice, which involved the translation of the organizations' reports into the official languages of the United Nations, was helpful to those members of the Committee whose first language was not English.

26. She endorsed the views expressed by Ms. González Martínez concerning the difficulty of assimilating the wealth of information provided in the two reports. The State party could facilitate the Committee's task by integrating the information on the programmes implemented at the provincial and federal levels.

27. It would also be useful if the Government could move beyond describing the steps taken and indicate what their impact had been in terms of both the number and the percentage of women affected. She would welcome further information on the amount budgeted for the renewed court challenges programme and whether that figure was higher or lower than under the previous programme.

28. The reporting State should clarify whether the Convention, which had been ratified by the federal Government, was binding also on the provincial governments, and whether the federal Government had any means of compelling the provincial governments to implement the Convention.

29. It was also unclear how court verdicts in class-action cases were translated into reality.

30. With regard to the economy, women appeared to be bearing the brunt of the restructuring of the Canadian welfare State. It would be interesting to learn to what extent the Government's efforts to place an economic value on housework had led to policy conclusions, for instance, in respect of the sharing of social security benefits in divorce cases.

31. The number of poor women in Canada was appalling; further details should be provided on the various assistance programmes for women living beneath the poverty line. It was difficult to understand why the welfare benefits provided to such women were sufficient only to bring them up to 60 per cent of the poverty line, and why single-parent families receiving medical benefits were required to pay part of the cost of medicines.

32. Lastly, it would be useful to have a full account of the impact of the federal equity legislation on the private sector, and to know whether any anti-discrimination legislation applied to that sector. While the 1995 review of the federal equity legislation had been a step forward in some respects, she failed to understand why it was now more difficult to bring complaints of systematic discrimination before the courts.

33. Ms. JAVATE DE DIOS said that the Government's citations of the jurisprudence developed in Canada had been useful in drawing the Committee's attention to the issues before the courts.

34. Canada's success in mainstreaming gender equality had set an important example for other countries; further details should be provided on how federal policies were implemented at the provincial level. It was also unclear whether the standards set by the Convention with regard to non-discrimination and equality were interpreted correctly and applied uniformly throughout the country.

35. She agreed with previous speakers that the Government's style of reporting was very complicated and made it difficult for the Committee to grasp the main trends and the gains and obstacles perceived in the implementation of the Convention. The reporting State should be more specific about the impact of its programmes, for instance, programmes to combat violence against women, particularly as they affected aboriginal and migrant women. It would be interesting to learn whether communities and homes were safer for women because of such programmes and whether they had led to changes in male behaviour.

36. As mentioned by Ms. Bustelo García del Real, the data on violence against prostitutes were alarming, and might be indicative of a backlash against the Government's anti-violence efforts.

37. Economic liberalization appeared to have had a somewhat negative impact on women; the Committee would appreciate receiving data on the number of women who were likely to lose their jobs and whether social safety nets were in place. Moreover, in the context of cutbacks, the Government should ensure continuity in the services provided by women's crisis centres.

38. While a number of measures had been adopted to ensure pay equity, they had been limited to a few provinces and to the public sector. It would be interesting to learn whether pay equity had really benefited women or whether it had had the opposite effect of reinforcing economic inequality.

39. Lastly, she would appreciate information on how new reproductive technologies were affecting women's decisions about having children.

40. Ms. FERRER GÓMEZ said that she, too, had found the report difficult to understand. In its next report, the Government should proceed by articles of the Convention and state which provinces had difficulties in implementing a particular article and which ones had adopted special measures for its implementation.

41. With regard to combatting poverty among women, it would be useful to learn whether any of the strategies recommended at the Fourth World Conference on Women had been implemented.

42. While only a small percentage of women held seats in Parliament, they could influence policy decisions; accordingly, it was important to sensitize them to gender issues.

43. Ms. CORTI said that the globalization of the economic crisis had affected Canada, the European countries and the developing countries alike, resulting in a temporary lack of political will with regard to issues affecting women. She was confident, however, that in view of Canada's strong record of defending women's rights both nationally and internationally, it would overcome any setbacks.

44. The CHAIRPERSON said that, while Canada had ranked first in quality of life according to the 1995 human development index, women continued to suffer from an inferior status. She was concerned at the significant rates of poverty among women; 60 per cent of single mothers lived below the poverty line, a statistic that would be worrisome even for a developing country. With women earning over 30 per cent less than men, it was difficult to understand why the Canadian Assistance Plan had been scaled back.

45. The status of aboriginal women was another source of concern; many aboriginal women were subjected to male violence, which did not always take the form of physical abuse. The lack of a specific law against domestic violence meant that such cases could not be addressed by the Criminal Code.

46. As over 80 per cent of adolescent births were to single mothers, the Committee would welcome additional information on the Government's efforts to assist young people in making sound decisions about their reproductive and sexual health. It would be interesting to learn whether and how the guidelines issued by Health Canada in 1994 had been implemented.

47. Ms. BERGERON de VILLIERS (Canada) said that a number of issues raised by the Committee would be dealt with in Canada's subsequent report. She had taken note of the Committee's reservations regarding the format of the report. Because of the federal nature of Canada's administrative structure, each province and territory had the prerogative but not the obligation to prepare the section of the report relating to its jurisdiction. Nevertheless, she hoped that in the future a way could be found to make such reports less disjointed.

48. Regarding the obligations that devolved on the provinces and territories in terms of the implementation of the Convention, she explained that under Canada's federal constitution powers were divided among the federal, provincial and territorial governments, each having the power to legislate on matters which directly concerned human rights. That division of powers had to be taken into account in the ratification and implementation by Canada of international human rights treaties and reporting on such treaties. However, the Federal Government had the exclusive constitutional power to ratify international treaties, and in a sense did not require the consent of any other jurisdiction in order to proceed. But at the same time the Federal Government did not have the power to legislate in many matters falling within the jurisdiction of the provinces and territories, and it was therefore forced to consult the provincial jurisdictions at all stages of the ratification, implementation and reporting process. Canada as a whole therefore had an obligation to implement its international human rights undertakings.

49. It was unfortunate that the report had left the Committee with the impression that social assistance in Canada had been abolished. The former social safety net had been replaced with a new system. All jurisdictions had

agreed that gender equality would be one of the key principles guiding any process of social reform, including the replacement of the former assistance programme with the new one. Furthermore, it had been decided that ministers responsible for the status of women had an important role to play in helping to decentralize power and transfer it to the provinces. It had also been determined that gender equality would have a place in defining the values, principles and objectives guiding any future transfer of power from the Federal Government to the provinces.

50. The Canadian Government had concluded that there was no need for a special law on the issue of violence against women. Such violence could be eradicated by strengthening the dispositions of existing statutes. Subsequent reports would certainly address the issue of violence against women more fully.

Ms. Bergeron de Villiers (Canada) withdrew.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

51. Ms. SCHÖPP-SCHILLING, speaking as the liaison person to the Human Rights Committee, said that she had exchanged experiences with members of that Committee and representatives of the Centre for Human Rights in Geneva. The Human Rights Committee had decided to harmonize its working procedures by preparing a list of issues both for initial and subsequent reports; in addition, it had decided to set aside three meetings to consider initial reports and two for subsequent reports.

52. The Human Rights Committee had also been able to complete its general comment on article 25 of the International Covenant on Civil and Political Rights regarding participation in the conduct of public affairs. It had also decided to update its general comment on article 3 of the Covenant regarding non-discrimination against women. Ms. Evatt, a former member of CEDAW, had been designated to coordinate work in that area and had also been designated liaison person to CEDAW. In addition, the Human Rights Committee intended to formulate two new general comments on article 2, the right to remedy, and article 12, the right of freedom of movement.

53. The Committee should also be aware that she had attended a human rights seminar in Germany where she had discussed the overlapping elements in the various human rights instruments and compared the working procedures of the various human rights committees. It had emerged from the seminar that a number of States Parties had complained about the time and effort they were required to devote to reporting procedures; it was even claimed that such procedures prevented government departments from carrying out their normal functions. The idea that States should submit a single report on all of their activities under the various human rights instruments had been put forward. She had expressed concern about such an approach, since it was precisely because women's issues had not been addressed by other human rights instruments that the Convention on the Elimination of All Forms of Discrimination against Women had been elaborated in the first place. She requested the Division for the Advancement of Women to keep the Committee informed of any possible developments in that sphere.

The meeting rose at 5.10 p.m.